IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 5:21-CV-00513-M

WILLIAM G. JACKSON, III,)	
Plaintiff,)	
v.)	ORDER
RED.COM, et al,)	
Defendants.)	

This matter is before the court on Magistrate Judge Kimberly A. Swank's Order and Memorandum and Recommendation. DE 4. Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, United States Magistrate Judge Swank entered a memorandum and recommendation ("M&R"), recommending that the court dismiss Plaintiff's Complaint due to deficiencies in Plaintiff's filings. DE 4. Plaintiff was warned that failure to comply may result in dismissal of the action without prejudice for failure to prosecute. Plaintiff filed an objection, but it does not cure the deficiencies noted in the M&R. ¹

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* Absent a specific and timely

¹ Judge Swank issued the M&R on January 25, 2022. Objections were due on or before February 11, 2022. DE 4. Plaintiff filed an objection on February 15, 2022. DE 5. The M&R and objection were submitted to this court for disposition on February 16, 2022.

objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. Plaintiff's objection failed to cure any of the deficiencies noted in this court's December 22, 2021 order [DE 3] or the M&R [DE 4]. For the reasons stated in the M&R, Plaintiff's Complaint is DISMISSED without prejudice. The Clerk of Court is directed to close this case.

SO ORDERED this 4 day of August, 2023.

RICHARD E. MYERS II

CHIEF UNITED STATES DISTRICT JUDGE